

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9432 of 2014

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1. Kiran Devi, wife of Raj Mohan Ram, resident of village- Amiratha, P.S.-
Kudra, Dist: Kaimur (Bhabhua)

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Social Welfare
Department, Government of Bihar, Patna
2. The Director, Social Welfare Department, Government of Bihar, Patna
3. The District Magistrate, Kaimur (Bhabhua)
4. The District Programme Officer, Kaimur (Bhabhua)
5. The Child Development Project Officer, Kudra, Kaimur (Bhabhua)

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nityanand

For the Respondent/s : Mr. Ashok Kumar Keshri

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 16-11-2017 Heard learned counsel for the petitioner and learned
A.C. to AAG 12 for the respondents.

The writ petition is being disposed of at the admission stage itself with the consent of the parties as the pleadings are completed. The petitioner has filed this writ petition for quashing of the order dated 06.04.2012/29.04.2012 passed by the District Programme Officer, Kaimur, Bhabhua(Annexure-4) by which the petitioner has been disengaged from working as an Anganwari Sevika. The petitioner further seeks quashing of order dated 13.02.2013 passed by District Magistrate, Kaimur, Bhabhua in Anganwari Appeal No.7 of 2012-2013 whereunder the appeal has been dismissed and the order of the District Programme Officer(Annexure-4) is confirmed.

The petitioner was working as Anganwari Sevika at



Anganwari Centre Amiratha-2. Anganwari Sahayika was working at the same Centre filed written petition alleging that the petitioner being Anganwari Sevika committed different irregularities in distribution of Midday meal and T.H.R.(Take Home Ration) to the beneficiaries. Upon receipt of such complaint, Child Development Project Officer inspected the Anganwari Centre and recorded the statement of 7 beneficiaries who are said to have disclosed that they received less amount of Take Home Ration. The C.D.P.O. vide his report dated 24.02.2012, as contained in Letter No.100, recommended for disengagement of the petitioner from the post of Anganwari Sevika. The District Programme Officer asked show cause on 26.03.2012 from the petitioner (Annexure-2). The petitioner gave her detailed reply on 05.04.2012 but the District Programme Officer, vide his order dated 29.04.2012, disengaged the petitioner from the post of Anganwari Sevika on the ground that the petitioner of course, filed her show cause but did not produce any evidence to show that she was functioning the Centre in proper manner. Thereafter, the petitioner filed appeal but the District Magistrate, Kaimur, Bhabhua vide his order dated 13.02.2013 also dismissed the appeal of the petitioner.

The learned counsel for the petitioner submits that the C.D.P.O. inspected the Centre at 3.30 P.M.. There was none on the Centre. The C.D.P.O. is said to have recorded the statements of 7



beneficiaries. While the C.D.P.O. was recommending for disengagement of the petitioner from the post of Anganwari Sevika, the C.D.P.O. reported that on two earlier occasions also, she inspected the Centre and found different irregularities but the C.D.P.O. did not submit the reports about the inspection earlier made by her. The petitioner in her show cause gave detailed reply that no irregularities were found and petitioner has been functioning properly for achieving the object of the scheme. Neither any document showing less distribution of T.H.R. to the beneficiaries nor any other materials were found. The statement of the beneficiaries were not given to the petitioner for proper reply but the petitioner has been disengaged from the service of Anganwari Sevika which is illegal and the order of the appellate authority also suffers from the illegality on the ground of non-consideration of all these facts and the ground taken by the petitioner.

On the other hand, the learned A.C. to AAG 12 submitted that the order does not suffer from any illegality. The learned counsel for the State submits that the photocopy of the register shows that the petitioner distributed 3 kgs. of rice and 50 gram of pulse to the beneficiaries. Petitioner used to distribute less amount to the beneficiaries but having considered the facts and submissions of both sides, I find that the submission of the learned



counsel for the State is not acceptable on the simple ground that the petitioner was asked show cause on the basis of the report of the C.D.P.O. The show cause did not contain the statement of the beneficiaries who are said to have stated before the C.D.P.O. that they received less amount of ration. Document also attached with the counter-affidavit does not show that the petitioner ever distributed less amount of Ration among the beneficiaries. Therefore, I find that the order of the District Programme Officer is bad as District Programme Officer did not consider the ground of the petitioner in its true perspective and the appellate order suffers from the same illegality as the same is without consideration of the grounds taken by the petitioner.

Taking into consideration the facts aforesaid, the order dated 06.04.2012/29.04.2012 passed by the District Programme Officer, Kaimur, Bhabhua(Annexure-4) and the order dated 13.02.2013 passed by District Magistrate, Kaimur, Bhabhua (Annexure-5) are set aside. Accordingly, the writ petition is allowed.

(Prabhat Kumar Jha, J)

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